

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STANTON HARRY MCCAIN, II,
Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et
al.,
Defendant.

CASE NO. C20-05650-RSM

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME

This matter comes before the Court on Plaintiff McCain's Motion for a 60-day extension of time to object to the Report and Recommendation ("R & R"). Dkt. #77. Defendants do not oppose Plaintiff's request for a time extension but ask that the Court limit the extension to 30 days. Dkt. #78.

On July 1, 2020, Plaintiff, proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 civil rights action against Defendants Washington state Department of Corrections ("DOC") and staff at the Monroe Correctional Center – Twin Rivers Unit ("MCC-TRU") where he is currently confined. Dkt. #1. On September 10, 2021, the Honorable Brian A. Tsuchida, United States Magistrate Judge, issued the R & R recommending denial of Plaintiff's request to strike and granting Defendants' motion for summary judgment dismissal of Plaintiff's claims with prejudice. Dkt. #75. The R & R directed Plaintiff to file objections no later than October 1, 2021. *Id*

1 Plaintiff requests an additional 60 days to file objections, extending his time to respond
2 from October 1 until November 30, 2021. Dkt. #77. In support of his motion, Plaintiff cites
3 serious medical conditions, inability to access the law library, and time required to prepare his
4 Objections. *Id.* at 1-2. Plaintiff also cites his need for additional time to obtain records in response
5 to his public disclosure requests. *Id.* The Government partially objects to Plaintiff's time
6 extension request, asking that this Court limit the extension to 30 days rather than 60. Dkt. #78.

7 The Federal Rules of Civil Procedure allow a court to extend the time before a deadline
8 elapses for "good cause." Fed. R. Civ. P. 6(b)(1)(A). This Court previously addressed Plaintiff's
9 pending public records request in its August 13, 2021 order, concluding that any further extension
10 of time to receive the requested records was inappropriate given that discovery closed on
11 December 21, 2020. Dkt. #71 at 4 (citing Dkt. #16). Noting the protracted delays in this case, the
12 Court found no basis to re-open discovery and stay the dispositive motion deadline until Plaintiff
13 received his responsive documents. *Id.* at 5. Accordingly, Plaintiff's public records request
14 provides no good cause for a time extension.

15 Having considered the remaining reasons offered by Plaintiff and considering that the
16 Government does not object to a thirty-day extension, the Court finds sufficient good cause to
17 extend the deadline to file objections by thirty (30) days to **November 1, 2021**.

18 CONCLUSION

19 Having considered Plaintiff's motion for time extension and the Government's response,
20 the Court ORDERS that Plaintiff's Motion for an Extension of Time, Dkt. #77, is GRANTED IN
21 PART. Plaintiff may file his objections to the R & R no later than **November 1, 2021**. The
22 Clerk is directed to send copies of this Order to Petitioner.
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1 DATED this 22nd day of October, 2021.

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5 RICARDO S. MARTINEZ
6 CHIEF UNITED STATES DISTRICT JUDGE
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